

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TYRONE AUSTIN

Plaintiff,

vs.

Case Number: 10-10049  
Honorable GERALD E. ROSEN  
Magistrate Judge Paul J. Komives

MARTIN S TOWING

Defendant

---

TYRONE AUSTIN  
In Pro Per  
5034 Hillsboro St.  
Detroit, MI 48204  
(313) 894-2441

---

TUCHOW & TRAHEY LAW OFFICES  
Stephen J. Trahey (P29840)  
Attorney for Defendant, Martin s Towing  
26316 Telegraph Rd. P.O. Box 697  
Flat Rock, MI 48134  
(734) 782-2900 / Fax: (734) 782-2123

---

**DEFENDANT S, MARTIN S TOWING, Inc., ANSWER TO COMPLAINT**

Now comes Defendant, Martin s Towing, Inc., by and through it s attorneys, Tuchow & Trahey Law Offices, by Stephen J. Trahey, and for it s answer states as follows:

1. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
2. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
3. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
4. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
5. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.

6. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
7. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.
8. Defendant neither admits nor denies the allegation contained in this paragraph of Plaintiff s complaint.

WHEREFORE IT IS PRAYED that this Honorable Court dismiss the complaint as it relates to Martin s Towing with court costs and attorney fees.

Dated: June 11, 2010

Tuchow & Trahey Law Offices

/S/ stephen j. trahey  
Stephen J. Trahey (P29840)  
26316 Telegraph Rd. P.O. Box 697  
Flat Rock, MI 48134  
(734) 782-2900 / Fax: (734) 782-2123  
Email: sjtrahey@yahoo.com

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

TYRONE AUSTIN

Plaintiff,

vs.

Case Number: 10-10049  
Honorable GERALD E. ROSEN  
Magistrate Judge Paul J. Komives

MARTIN S TOWING

Defendant

---

TYRONE AUSTIN  
In Pro Per  
5034 Hillsboro St.  
Detroit, MI 48204  
(313) 894-2441

---

TUCHOW & TRAHEY LAW OFFICES  
Stephen J. Trahey (P29840)  
Attorney for Defendant, Martin s Towing  
26316 Telegraph Rd. P.O. Box 697  
Flat Rock, MI 48134  
(734) 782-2900 / Fax: (734) 782-2123

---

**DEFENDANT, MARTIN S TOWING, INC., AFFIRMATIVE DEFENSES**

1. Plaintiff has failed to state a claim for which relief may be granted.
2. Plaintiff s claims are barred by governmental immunity under MCL 691.1401 et seq. and /or qualified immunity.
3. There is no genuine issue of fact and Defendant is entitled to judgment as a matter of law.
4. Defendant objects to any failure to join all claims pursuant to applicable law and/or court rules.
5. Defendant reserves the right to supplemental or amend his affirmative defenses as more facts become available during the course of discovery.
6. Defendants were acting reasonably in the exercise of a Government function.
7. There was probable cause to arrest, charge, and/or ticket Plaintiff.
8. Plaintiff suffered no damage or his damages are *di minimus*.

9. Plaintiff failed to mitigate his damages, if any.
10. Plaintiff has failed to properly serve at least one Defendant.

RESERVATION OF RIGHTS

Defendant, not waiving any deficiency or omission in any pleadings hereto or hereafter filed by any other party or person, hereby reserve the right to assert and file any affirmative and special defense as my become known.

Dated: June 11, 2010

Tuchow & Trahey Law Offices

/s/stephen j. trahey  
Stephen J. Trahey (P29840)  
26316 Telegraph Rd. P.O. Box 697  
Flat Rock, MI 48134  
(734) 782-2900 / (734) 782-2123  
Email: [sjtrahey@yahoo.com](mailto:sjtrahey@yahoo.com)